

AMENDED IN SENATE AUGUST 20, 2002

AMENDED IN SENATE AUGUST 28, 2001

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AMENDED IN ASSEMBLY MAY 1, 2001

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 55**

**Introduced by Assembly Members Shelley and Hertzberg  
(Coauthors: Assembly Members Aroner, Chavez, Liu,  
Lowenthal, and Steinberg)**

December 4, 2000

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~~An act to amend Sections 2224, 12302, 14217, 19205, and 19340 of, to add Sections 2275 and 14228 to, to add Chapter 5 (commencing with Section 2300) to Division 2 of, to add Division 4.5 (commencing with Section 4500) to, to add Chapter 5 (commencing with Section 12500) to Division 12 of, and to add Chapter 5 (commencing with Section 14500) to Division 14 of, the Elections Code, relating to elections. An act to add Chapter 5 (commencing with Section 2300) to Division 2 of the Elections Code, relating to elections.~~

## LEGISLATIVE COUNSEL'S DIGEST

AB 55, as amended, Shelley. Elections: voting: ~~reform and modernization rights of voters.~~

*Existing law provides for voting at polling places, by absentee ballot, and in mail ballot elections.*

*This bill would provide that voters at the polls and the public have specified rights at the polls, and would permit the Secretary of State to develop regulations to implement and clarify these rights. It would permit the list of voters' rights set forth in this bill to be made available to the public before each election and on election day via specified distribution means.*

~~Existing law authorizes county elections officials to send an alternate residency confirmation postcard to any voter who has neither voted within the preceding 4 years nor updated his or her voter registration information.~~

~~This bill would impose a state-mandated local program by requiring county elections officials to send an alternate residency confirmation postcard to any voter who has failed to vote or update his or her registration information for 4 years.~~

~~Existing law permits the Department of Motor Vehicles to establish guidelines for registering voters while they complete their motor vehicle transactions.~~

~~This bill would require the department to implement specified procedures to register voters at Department of Motor Vehicles branch offices.~~

~~This bill would impose a state-mandated local program by requiring county elections officials to assist the Department of Motor Vehicles in registering voters.~~

~~Existing law provides for voting at polling places, by absentee ballot, and in mail ballot elections.~~

~~This bill would provide that voters and the public have specified rights, and would require a list of these rights to be made available to the public before each election and on election day, as provided. The bill would impose a state-mandated local program by increasing the duties of local elections officials.~~

~~This bill would require the Secretary of State to provide assistance to counties to modernize the counties' voting process. The bill would require the Secretary of State to develop criteria to be used to evaluate county requests for modernization assistance. The bill would require the Secretary of State to submit county requests for modernization~~

~~assistance to the Voting Modernization Commission, created by the bill, and would require the commission to consider and evaluate each request using the criteria developed by the Secretary of State and to submit its recommendations to the Secretary of State for appropriate action.~~

~~This bill would require the Secretary of State to establish a statewide voter education media campaign.~~

~~This bill would state the intent of the Legislature to enact legislation to codify uniform recount guidelines, reform the current “motor voter” process, and establish a mechanism to implement complete mandatory voter file maintenance in counties.~~

~~This bill would establish an Online Voting Program under the direction of the Secretary of State. The program would ensure that the use of an online voting system is viable, accurate, secure, fair, effective, and accepted by the public as a supplementary method of voting in local elections held in whole or in part within a participating county. The program would allow voters to engage in online voting using a computer at any one of various county-controlled polling places within the participating county. This bill would require the Secretary of State to authorize counties to participate in the program in accordance with criteria developed by the Secretary of State. The bill would provide that participation by an authorized county in the program is voluntary and subject to approval by the county’s board of supervisors.~~

~~This bill would require the Secretary of State to establish standards for online voting systems for purposes of the program, certify an online voting system for use by an authorized county, and develop procedures for online voting under the program.~~

~~This bill would require poll workers to receive specified training. The bill would require that voting materials provided to voters at the polling place be made available in large type size on the request of a visually impaired voter. The bill would require polling places to have wheelchair and stroller access, and be accessible to physically disabled voters pursuant to specified federal law. By increasing the duties of local elections officials, the bill would impose a state-mandated local program. This bill would also require the Secretary of State to conduct a study to determine the feasibility of extended polling hours, 2-day elections, and weekend voting.~~

~~Existing law permits no more than two students per precinct to serve on a precinct board under the direct supervision of precinct board members.~~



~~This bill would increase that number to permit no more than five students per precinct to serve on a precinct board.~~

~~Existing law requires that, if the precinct board is unable to locate a voter's name on the index of registration and cannot call the elections official's officer on behalf of the voter, the board must provide the voter with a card containing the elections official's telephone number and direct the voter to the nearest telephone.~~

~~This bill would eliminate the requirement that the voter be directed to the nearest telephone and would instead require the precinct board to provide a voter with a provisional ballot.~~

~~Existing law requires the Secretary of State to establish specifications for, and regulations governing, voting machines, voting devices, vote tabulating devices, and related software.~~

~~This bill would provide that the criteria for establishing these specifications and regulations shall include the requirement that the system and its parts provide a practical and effective means for voters with physical disabilities to cast a secret ballot and permit voters to engage in "second chance voting."~~

~~Under existing law, a member of a precinct board who has not previously attended a training class in the use of the voting machines and the duties of a board member is required to do so, unless appointed to fill an emergency vacancy.~~

~~This bill would require, if new technologies for voting systems are certified by the Secretary of State for use in a county, that a member of a precinct board located in that county attend a training class in the use of the new technologies once the new system is acquired.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.~~

*The people of the State of California do enact as follows:*

~~SECTION 1. Section 2224 of the Elections Code is amended~~  
*SECTION 1. Chapter 5 (commencing with Section 2300) is added to Division 2 of the Elections Code, to read:*

*CHAPTER 5. VOTERS BILL OF RIGHTS*

*2300. (a) The voters and the public have all of the following rights:*

*(1) A voter has the right to ask questions regarding election day procedures of the precinct board and to receive an answer or be directed to the appropriate elections official for an answer. In the event that the precinct board determines that persistent questioning by a voter or voters is resulting in a delay of voting sufficient to cause other voters to forego voting because of insufficient time or for fear of unwarranted intimidation, the board may discontinue responding to questions by a voter or voters.*

*(2) A voter has the right to request and receive a new ballot if at any time the voter feels he or she has made a mistake during the voting process but before his or her vote is finally cast. A voter must return the spoiled ballot to a poll worker or elections official to receive a new ballot. A person voting by absentee ballot may also request and receive a new ballot providing his or her spoiled ballot is returned to an elections official prior to the closing of the polls on election day.*

*(3) A voter has a right to a receipt that indicates that the voter's vote was received by the elections officials. The receipt shall be given to each person voting at a polling place. The receipt shall bear no indication of how a voter cast his or her vote. The receipt may be, but is not limited to, a printed slip, sticker, card, certificate, or other indicator that a voter cast his or her vote and that it was properly received by the precinct board or an elections official.*

*(4) A voter has the right to know that his or her vote counts. It is of fundamental importance to the democratic process that all eligible voters understand that their participation in the electoral process is one of the highest and most valued acts of civic responsibility.*

1 (5) A voter has the right to have a polling place stay open long  
2 enough to accommodate everyone who is present to vote at the time  
3 of the closing of the polling place.

4 (6) The public has the right to request and receive public  
5 information provided at the polling place, including a list of voters  
6 who have voted, so that get-out-the-vote workers may review the  
7 list of those individuals who have voted.

8 (7) Any person with a valid California voter notification card  
9 has the right to vote.

10 (8) Every voter whose name does not appear on the voting  
11 roster has the right to a provisional ballot at the polling place.

12 (b) The Secretary of State may develop regulations to  
13 implement and clarify the voters bill of rights set forth in  
14 subdivision (a).

15 (c) The list of voters' rights set forth in subdivision (a) may be  
16 made available to the public before each election and on election  
17 day as follows:

18 (1) The list may be printed in the statewide voter pamphlet  
19 along with the following statements:

20 (A) A voter has the right to ask questions about elections  
21 procedures.

22 (B) A voter has the right to receive a new ballot if the voter  
23 believes he or she has made a mistake. This applies only prior to  
24 a voter casting a ballot.

25 (C) A voter has the right to a receipt indicating that the voter's  
26 vote was received by the elections official.

27 (D) A voter has the right to know that his or her vote counts.

28 (E) A voter has the right to vote if he or she is at the polling  
29 place at 8:00 p.m.

30 (F) A voter has the right to vote if he or she has a valid  
31 California voter notification card.

32 (G) A voter has the right to a provisional ballot whenever his  
33 or her name is not listed on the voting rolls.

34 (H) The public has the right to review public information  
35 available at a polling place.

36 (2) The list may be displayed on the Web site of the Secretary  
37 of State and that of any county elections office that maintains a  
38 Web site.

39 (3) Local elections officials may read the list to a visually  
40 impaired voter, on request.

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**All matter omitted in this version of the  
bill appears in the bill as amended in the  
Senate/ August 28, 2001 (JR 11)**

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